

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

NAIEL NASSAR, §  
§  
Plaintiff, §  
§  
v. § CIVIL ACTION NO. 3:08-CV-1337-B  
§  
UT SOUTHWESTERN HEALTH §  
SYSTEMS, et al, §  
§  
Defendants. §

MEMORANDUM ORDER

Before the Court is Defendant Parkland Health & Hospital System's Motion for Leave to File Appendix in Support of Reply (doc. 62). For the reasons stated below, the Court finds the Motion should be and hereby is **DENIED** (doc. 62).

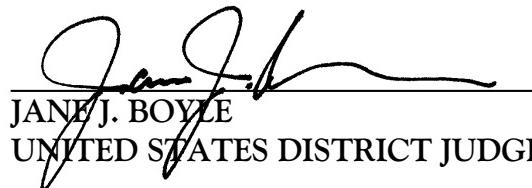
The Northern District of Texas local rules pertaining to summary judgment do not permit a party to submit additional evidence with a reply brief. *Dethrow v. Parkland Health Hosp. Sys.*, 204 F.R.D. 102, 103 (N.D. Tex. 2001); see N.D. Tex. Civ. R. 56.5(c), 56.7. Accordingly, additional summary judgment evidence may only be filed with leave of court. *Id.* at 103-04. "Because the purpose of a reply brief is to rebut the nonmovant's response, not to introduce new evidence, such leave will be granted only in limited circumstances." *Id.* at 104.

Defendant Parkland Health & Hospital System ("Parkland") seeks leave to present limited evidence in reply to unanticipated arguments made by the Plaintiff in its Response to Defendant Parkland's Motion for Summary Judgment. (Defendant Parkland's Brief in Support of Motion for Leave to File Appendix in Support of Reply at 1.) The Court finds these

circumstances do not warrant the admission of a reply appendix. Accordingly, the Motion for Leave to File Appendix in Support of Reply is **DENIED** (doc. 62).

SO ORDERED.

DATED September 1, 2009

  
JANE J. BOYLE  
UNITED STATES DISTRICT JUDGE